

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

**NUTRA PHARMA CORPORATION,
ERIK DEITSCH a/k/a RIK DEITSCH, and
SEAN PETER MCMANUS,**

Defendants.

18 Civ. 05459 (JS) (ST)

DECLARATION OF RUSSELL J. FELDMAN

I, Russell J. Feldman, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member of the bar of the State of New York and of the United States District Court for the Eastern District of New York. I am employed as Trial Counsel in the Division of Enforcement in the New York Regional Office of Plaintiff Securities and Exchange Commission (the “Commission”).

2. I submit this Declaration in support of the Commission’s Motions *In Limine*.

3. Attached hereto as Exhibit 1 is a true and correct copy of a May 14, 2015 press release issued by Defendant Nutra Pharma Corporation (“Nutra Pharma”), which is listed on the Commission’s exhibit list as PX 1.

4. Attached hereto as Exhibit 2 is a true and correct copy of a June 23, 2015 press release issued by Nutra Pharma, which is listed on the Commission’s exhibit list as PX 2.

5. Attached hereto as Exhibit 3 is a true and correct copy of a July 10, 2015 press release issued by the research firm SeeThruEquity and reviewed and posted to Nutra Pharma’s

website by Defendant Erik Deitsch (“Deitsch”), which is listed on the Commission’s exhibit list as PX 3.

6. Attached hereto as Exhibit 4 is a true and correct copy of an email chain containing a September 28, 2015 email from Defendant Sean McManus (“McManus”) to Lance Costa, which is listed on the Commission’s exhibit list as PX 100.

7. Attached hereto as Exhibit 5 is a true and correct copy of an email chain containing a September 28, 2015 email from McManus to Lance Costa, which is listed on the Commission’s exhibit list as PX 101.

8. Attached hereto as Exhibit 6 is a true and correct copy of a draft transcript of an October 6, 2015 voicemail from McManus to Lance Costa, the audio recording of which is listed on the Commission’s exhibit list as PX 106.

9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the transcript of Deitsch’s deposition testimony, taken on July 23, 2020, which transcript is listed in its entirety on the Commission’s exhibit list as PX 15.

10. Attached hereto as Exhibit 8 is a true and correct copy of an email chain containing an October 19, 2011 email from Deitsch to Jason Cope, which is listed on the Commission’s exhibit list as PX 25.

11. Attached hereto as Exhibit 9 is a true and correct copy of Nutra Pharma’s Form 10-Q for the period ending June 30, 2015, which is listed on the Commission’s exhibit list as PX 130.

12. Attached hereto as Exhibit 10 is a copy of the definition of “engage” in *Black’s Law Dictionary* as received from Deitsch, which is listed on Deitsch’s exhibit list as Exhibit MM.

Dated: February 20, 2024
New York, New York

SECURITIES AND EXCHANGE COMMISSION

By: /s/ Russell J. Feldman

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